

# PLAINTIFF'S EXHIBIT B-1

Experts From Deposition of Daniel Gervais (January 21, 2014)

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*In The Case Of*

*Carrie Couser, Individually and On Behalf of All Others Similarly  
Situating*

*v.*

*Comenity Bank*

**12-CV-02482-MMA-BGS**

KAZEROUNI LAW GROUP, APC  
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Exhibit B-1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

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CARRIE COUSER, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Plaintiffs, Case No. 3:12-CV-02484

vs.

MMA-BGS

COMENITY BANK,

Defendant.  
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Deposition of  
DANIEL GERVAIS  
January 21, 2014

11:05 a.m.

41 South High Street, Suite 210  
Columbus, Ohio

Reported by:

Kimberly A. Kaz, RPR, Notary Public

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1 A. Yes.

2 Q. And you can obviously, like, if  
3 they call in, you could ask -- you sometimes  
4 ask orally whether you can use a dialer, right?

5 A. Yes. 11:50:06

6 Q. And also, on top of that, you have  
7 language in your contract?

8 A. Yes.

9 Q. Okay. And you believe there's an  
10 arbitration clause as well? 11:50:11

11 A. I'm informed, yes.

12 Q. Okay. But you've actually seen the  
13 language regarding dialer, but you haven't seen  
14 the language regarding the arbitration?

15 A. Yes, sir. 11:50:23

16 Q. Okay. But, obviously, the third  
17 parties -- you know, we're talking about  
18 references or, like, a secondary number or  
19 something, it's usually the applicant that puts  
20 that number down, not the third party 11:50:37  
21 themselves, correct?

22 A. Correct.

23 Q. And just to firm this up, we have  
24 no data from September 2012 going back,  
25 correct? 11:50:58